

UNITED STATES DISTRICT OF COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) CRIMINAL NO. 05-10136-RGS
 V.)
)
 MARK NUTTER)

MOTION FOR WARRANT

The United States of America, through Assistant United States Attorney William H. Connolly, hereby requests the issuance of a warrant for the arrest of material witness Daniel Thomas in the above-captioned matter.

On November 7, 2007, Daniel Thomas was served a subpoena at his place of business at 161B Mid Tech Drive, Yarmouth, Massachusetts, commanding his presence in this Court on November 13, 2007. Subsequent to November 7, 2007, Daniel Thomas spoke to ATF Agent Mathieu Kelsch and confirmed receipt of the trial subpoena. Agent Kelsch advised Thomas that he was to report to this Court at 9 a.m. on November 14, 2007, for purposes of testifying on behalf of the government in the above-captioned case. On the evening of November 13, 2007, ATF Agent Jody Minick met in person with Dan Thomas and reminded him that he would be called to testify on November 14, 2007. Dan Thomas told Agent Minick that he was not going to come to Court.

On November 14, 2007, Dan Thomas failed to appear in Court as commanded by his subpoena. Accordingly, the government respectfully requests the issuance of a warrant for the arrest of

material witness Daniel Thomas, home address 61 Grouse Lane, West Yarmouth, MA, business address 161B Mid Tech Drive, Yarmouth, MA.

Respectfully Submitted,

William H. Connolly
Assistant U.S. Attorney

November 14, 2007